

DOC NO
REC'D/FILED

2018 JUN -8 AM 9:47

PETER OPPENEER
CLERK US DIST COURT
WD OF WI

ATTACHMENT 1

COMPLAINT FORM

(for filers who are prisoners without lawyers)

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF Wisconsin

(Full name of plaintiff(s))

Michael Anthony Nieman / 378700

Oakhill Correctional Institution

P.O. Box 938 Oregon, WI 53575

VS

Case Number:

18 C 441-WMC

(Full name of defendant(s))

(to be supplied by clerk of court)

Jeanie Christensen (Wood County Jail Nurse)

Dr. Butler (Wood County Jail Doctor)

Wood County Jail, Sheriff's Department, and Employees as listed in attachments

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Oakhill Correctional Institution, P.O. Box 938, Oregon WI 53575
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

Wood Co. Jail + Sheriff's Department

2. Defendant Jennie Christensen, Dr. Butler, Prison Nurse, Wood Co. Jail Employees,
(Name)

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Wood County Sheriff's Department, Correctional Health Care
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

1. Who - see attachment + Sheriff's Deputy's reports

2. What - see attachment + Sheriff's Deputy's reports

3. When - Between the dates of my arrest on May 18th of 2015 and throughout my trips back and forth to and from jail for court which extended into 2017.

4. Where it happened - at the Wood County Jail and Court house.

5. Why they did what they did - apparently it was thought I would have my bond adjusted or be furloughed for my injuries as I had started to be although there should have been no assumptions made nor any "fast-tracks" with regards to how I was transported to institutions in an attempt to get care that I needed from a hospital or a psychological department.

"No Known Health Conditions" refers to psychiatric health conditions as well and as it can be clearly and absolutely clearly, to a child, there is a need for psychological care after a traumatic event and the lack of care that took place was immense due to lack of records. A 69 page Trauma Report never sent. It took months to retrieve records that should have been sent in 72 hours by law.

See Attachments

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

I am seeking monetary damages in the amount of
\$4,000,000 (4 million dollars). For cruel and unusual
punishment, pain and suffering, causing uncorable anxiety and
failing to treat a condition once prescribed. Deliberate indifference
and mental anguish. I want care for injuries for the rest
of my life and attorneys of choice. I want both
records from Wood County Jail and all jails I was contracted
to be housed at. All records means all records medical,
clerical, personal, disciplinary, etc. I want complete publication
through court publishers and tracking of progression
and digression. I want motions to be worked ^{out} to be sealed
in regards to all court activity. It should be noted that I
suffer currently and am in need of assistance. See Attachment

E. JURY DEMAND

☒ Jury Demand - I want a jury to hear my case
OR

☐ Court Trial - I want a judge to hear my case

Dated this 16 day of MAY 20 18.

Respectfully Submitted,

Michael H. [Signature]
Signature of Plaintiff

#378700
Plaintiff's Prisoner ID Number

Oakhill Correctional Institution

P.O. Box 938 Oregon, WI 53575
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

☐ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

☒ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

FULL EXPLANATION OF 1983 COMPLAINT

The place where the incidents occurred is The Wood County Jail, 400 Market Street, Wisconsin Rapids, WI 54481.

GRIEVANCE PROCEDURES

Yes I filed several grievances in regards to the negligence of medical care in which I was receiving. I was then moved to Waupaca County for over flow purposes as well as they believed that they had a better health care set up. I filed similar grievances. I was fully insured for my injuries which I sustained to my back and neck, as well as the rest of my body. I should have been allowed to have the care for which I was scheduled to have prior to being incarcerated or at least similar care as well as follow up for which as the record clearly indicate I certainly needed, and was receiving prior to being incarcerated.

I have copies of most of the grievances. It was not until I was sent to prison, and able to have what is referred to as a "Medical File Review" which took place at Jackson Correctional Institution, that I learned of the medical transfer report which was completely false in indicating that I **"NO KNOWN HEALTH CONDITION"**!

I filed a formal complaint in the county against the Corporation Counsel, and a Notice of Injury and Complaint at the state level. I also had filed a very sophisticated grievance against Waupaca County just prior to being moved to Wood County for sentencing that I never received the disposition on due to being moved back to Wood County for a furlough and sentencing. I should have been allowed to receive healthcare prior to being sent to prison as I was fully insured for the injuries I sustained in my accident.

DEFENDANTS

The list of most Defendants includes:

1. Jeanie Christensen—jail nurse Wood County

2. Dr. Butler—jail doctor, “Correctional Health Care”, Wood County
3. Wood County Sheriff—Tom Riecheit,
4. Wood Jail Captain—Susan Knapp,
5. Wood County Jail Captain—Jesica Terch,
6. Wood County Jail Administrator—Tom Ashbeck
7. Doctor Fatokee—jail doctor, “Correctional Health Care” Waupaca County
8. Debbie Krueger—jail captain Waupaca County
9. Waupaca County Sheriff (2015)
10. Various other nurses within Waupaca County, and jailers at both wood and Waupaca County (2015).
11. Judge Nicholas Brazeau—Circuit Court Judge, (Wood County).
12. Craig Lambpert—District Attorney, (Wood County).

PREVIOUS LAWSUITS

I have filed complaints at the county level and at the state level against the same defendants as well as notice of injury. I have not fully pursued the action until now therefore there has not been any action on the matter, nor have I been fully aware of any case number assignments etc. on the matter.

The approximate dates of filing were 10/15/15, 8/15/16 and 8/15/17. The complaints filed in 2016 and 2017 were against The Department of Corrections. One was medically related and the other was related to records issues although in a sense it revolves around medical issues as well due to records related issues.

I filed a complaint in the county at the corporation counsel for which I am not completely sure was the proper way of filing due to my inexperience with the law and my lack of legal resources, although I also attempted to file complaints with the state attorney Generals Office for the same events to give notice of my injuries. These were filed in October and November of 2015 from Dodge Correctional Institution.

The claim was lack, stoppage, and denial of medical treatment. It happened at both Wood and Waupaca counties. This matter is absolutely not resolved as the injuries I have sustained are an ongoing result of the complaint I am filing today.

STATEMENT OF CLAIM

I was arrested on May 18th of 2015 after suffering a severe automobile accident at which time I had been thrown from the vehicle at approximately 65 mph. I was transferred to St. Josephs Hospital via "LIFE FLIGHT" and placed in an intensive care unit.

Upon my arrival to the hospital I received a CT scan which clearly showed the injuries I sustained in the accident as well as injuries I had sustained just months prior. These injuries took a **69 PAGE TRAUMA REPORT** to record which gave a very in depth and detailed description of what was physically wrong with me.

The Wood County Jail and there affiliate health care providers had complete access to these record as well as all records from my psychiatric, and psychological files within the Wood County Unified Services Department as they came to see me once I was released and taken DIRECTLY to the jail via Sheriff Department deputy. In fact Dr. Butler actually began prescribing me citalopram (anti-depressant medication) once she spoke to Dr. Hadfield from Unified Services.

The importance behind my psychiatric record is that I had testing done which clearly shows what medication I digest and what medication will work better given my general make-up. This testing is referred to as gene-sight testing which was performed through the Mayo Clinic out of La Crosse.

The Wood County Jail nurse Jeanie Christensen sent me to Dodge with a "Health Care Transfer Summary" that read **"NO KNOWN HEALTH CONDITIONS"**. This is after being furloughed to UW Madison Hospital for spinal injuries which are so obvious that any child can clearly see need care.

Furthermore, the 69 page trauma report was never sent with me and it was not until Dr. Martin himself obtained from St. Joseph's Hospital in Marshfield that he was able to review the extent of my injuries and provide adequate care. Dr. Martin was a physician at Jackson Correctional where I was sent after leaving Dodge Correctional.

Not only had I filed numerous grievances against the jail in regards to the health care that I wasn't receiving, it was clear to the court that I was in need of serious medical

procedures and there was jail officials in attendance at my court proceedings where the care for my injuries was discussed. This information was easy enough to for any lay person to translate. The courts view was that I would receive better care while in prison. An idea which is ludicrous as can be viewed by the record and had that been the idea then there should have been even more emphasis on sending me with all of the records for me to obtain that **"Better Health Care"**.

Dr. Butler and Nurse Christensen read doctor Ebert's report and recommendations when I left Madison Clinic and it was clear enough that I was to receive additional care which was to include MRI's, medication therapy, and possible surgical intervention. In fact the Wood County jail placed me on gabipentin which was prescribed by Dr. Ebert. There is absolutely no reasonable excuse for sending me to Dodge with a Health Transfer Summary that read **No Known Health Condition**.

To completely frustrate the matter at hand, and as well what lays at the core of anxiety for which I find it hard if not impossible to recuperate, is that I had previously scheduled appointments in Madison to address some of the issues with my spine from previous injuries. The jail staff was fully aware of these injuries as well as the court, due to the fact that I filed grievances all the way to the judge himself in an attempt to be transported to a May 26th, and May 28th appointment for which I was not transported to. Instead I laid in a cell with a broken sternum, seven broken ribs, a broken back, severely injured arm, amongst other injuries, without even being taken to my appointments for the injuries which I needed serious procedures and care.

Now I have growths which have increased in size causing severe nerve damage and loss of feeling to all four of my extremities. I have been forced to go through this incarceration without the care for which I was fully insured, scheduled and prepared to undergo prior to ever being incarcerated at the Wood County Jail.

While in their facility as well as when I was housed in Waupaca County Jail, (the facility at which I was under contract to be housed at), there was never a record of my spinal injuries sent and or received nor was there any care received for which it is absolutely clear I was in need of and am in continued need of to this date.

Due to the lack of records being sent to the Wisconsin Department of Corrections I was placed on *duloxetine* a medication commonly referred to as Cymbalta. This

medication is also used to treat depression and is listed in the use with extreme caution side of my GENE-SIGHT test which was easily accessible through the Unified Services Department of Wood County as they treated me at the Wood County Jail and in fact made medication referrals to Dr. Butler who is or was employed through Correctional Health Care and contracted through the Wood County Jail.

This has led to a significant upset in medication treatment and therapy since being placed on different medications as well as the fact that I have suffered from severe serotoxins due to the wrong medication combinations.

There is no reason for the Wood County Sheriffs Department not transporting me to appointments that were scheduled prior to me being incarcerated, not supplying neither the Waupaca County Jail; nor the Wisconsin Department of Corrections with a full report of all of the injuries I sustained to not only my sternum, ribs, chest, head, back, neck, and pelvic region, but of **THE MOST SUBSTANTIAL AFFECT**, providing The Wisconsin Department of Corrections with a "Health Transfer Summary" that reads **NO KNOWN HEALTH CONDITIONS !**

DEFENDANT CONNECTION LIST

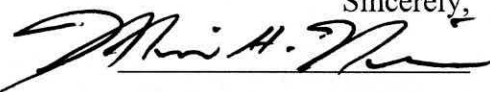
The defendants are connected to the case in the following ways:

1. Jeanie Christensen in her capacity as "The Wood County Jail Nurse" and in her person for her lack of treatment, denial of treatment, cruel and unusual treatment, falsely producing a document claiming that there was no known health conditions, for failing to deliver inmate health records as legally responsible for doing, and stopping medical treatment once prescribed.
2. Dr. Butler in her capacity as "The Wood County Jail Doctor", employed at "Correctional Health Care" and contracted to work at The Wood County Jail. As well I wish to pursue action against her

in her personal capacity for advising Jeanie Christensen of her decisions, conducting a physical exam and not requesting proper treatment for injuries, not seeking treatment for serious medical needs, stopping medical treatment, cruel and unusual punishment, deliberate indifference for not treating injuries that a child or any reasonable person could easily recognize were in need of serious treatment, and stopping medical treatment once prescribed.

3. Dr. Fatokee in his capacity as the "Waupaca County Jail Doctor" employed at Correctional Health Care and contracted to work at the Waupaca County Jail and converse with Dr. Butler over health care provided and or not provided. As well I wish to pursue action against him in his personal capacity for cruel and unusual punishment, deliberate indifference, not seeking medical treatment for serious needs, not treating serious medical need which a child or any reasonable person could see were in need of serious medical attention.
4. Wood County Circuit Judge Nicholas J. Brazeau for acting failing to act on a serious health need which was clearly in need of serious medical attention, stopping medical treatment once prescribed, clearly acting out of what he should have known was violating my constitutional rights as there was documentation before the courts and the judge claimed to be personally aware of the doctor by reputation.
4. District attorney Craig Lambpert and Assistant District Attorney Sarah Keenas for failing to act when they rightfully should have known they were violating my constitutional rights to health care.

Sincerely,



Michael Anthony Nieman (Inmate No. 378700)

This Complaint Is Open For Amendments 5/16/18

The fact that Wood County sent me to Dodge Correctional Institution with an "Inmate Transfer Summary" that reported that I had "NO KNOWN HEALTH CONDITION" is absolutely reckless in the matter of handling of a chronically injured individual in need of serious medical procedures.

Min A. Thi

5/16/18

Inmate # 378700